

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

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| (1) DEPARTMENT Planning and Building | (2) MEETING DATE 4/24/2012 | (3) CONTACT/PHONE Stephanie Fuhs, Planner III/805 781-5721 | |
| (4) SUBJECT Request for an authorization to process a Land Use Element Amendment application (LRP2007-00015) by Templeton Community Services District (TCSD) to change the Land Use Category from Agriculture to Public Facilities on a 23 acre parcel. | | | |
| (5) RECOMMENDED ACTION Review the attached proposal and determine whether your Board wishes to authorize processing. If authorized, staff would recommend that uses on the site be limited to a water well site, water treatment and/or wastewater treatment facility and fire training facility for the community of Templeton. | | | |
| (6) FUNDING SOURCE(S) Application Fees | (7) CURRENT YEAR FINANCIAL IMPACT \$0.00 | (8) ANNUAL FINANCIAL IMPACT \$0.00 | (9) BUDGETED? Yes |
| (10) AGENDA PLACEMENT <div style="display: flex; justify-content: space-between;"> { } Consent { } Presentation (Time Est. _____) { } Hearing (Time Est. _____) {x} Board Business </div> | | | |
| (11) EXECUTED DOCUMENTS <div style="display: flex; justify-content: space-between;"> { } Resolutions { } Contracts </div> <div style="display: flex; justify-content: space-between;"> { } Ordinances {x} N/A </div> | | (12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <div style="display: flex; justify-content: space-between;"> { } 4/5th's Vote Required {x} N/A </div> | |
| (13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) n/a | | (14) W-9 <div style="display: flex; justify-content: space-between;"> {x} No { } Yes </div> | |
| (15) LOCATION MAP Attached | (16) BUSINESS IMPACT STATEMENT? No | (17) AGENDA ITEM HISTORY <div style="display: flex; justify-content: space-between;"> { } N/A Date <u>May 24, 2008</u> </div> | |
| (18) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown | | | |
| (19) SUPERVISOR DISTRICT(S) District 1 | | | |

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner III

VIA: Kami Griffin, Assistant Director, Department of Planning and Building

DATE: 4/24/2012

SUBJECT: Request for an authorization to process a Land Use Element Amendment application (LRP2007-00015) by Templeton Community Services District (TCSD) to change the Land Use Category from Agriculture to Public Facilities on a 23 acre parcel.

RECOMMENDATION

Review the attached proposal and determine whether your Board wishes to authorize processing. If authorized, staff would recommend that uses on the site be limited to a water well site, water treatment and/or wastewater treatment facility and fire training facility for the community of Templeton.

DISCUSSION

Project Brief

Templeton Community Services District (TCSD), is requesting an authorization to process a Land Use Element amendment to change the land use category from Agriculture to Public Facilities on an approximately 23 acre parcel which is located between the railroad tracks and the Salinas River, and adjacent to the urban reserve line for the purposes of a water well site, water and/or wastewater treatment facility and fire training facility for the community of Templeton. The proposed project is located at 675 and 677 Creekside Ranch Road, adjacent to the community of Templeton, in the Salinas River planning area.

This amendment request was previously authorized by the Board of Supervisors on May 20, 2008. The project description at that time included a community park, which proved to be problematic due to an at-grade railroad crossing. Any increase in traffic using this crossing was viewed as a significant safety concern.

Since it has been four years since the project was authorized, the project description has changed to eliminate the community park and the Agriculture Element was adopted in 2009, staff decided to bring the request back for re-authorization.

Project Data

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|--------------------------------|--|
| Planning Area: | Salinas River |
| Community: | Rural |
| Assessor Parcel Numbers: | 040-211-003 |
| Area: | 22.8 acres |
| Topography: | Level to gently sloping |
| Water Supply: | Community (TCSD) |
| Sewage Disposal: | Sewer (TCSD) |
| Vegetation: | Grasses, Oak Trees, Salinas River Riparian |
| Existing Use and Improvements: | Single-family residence and barn, Municipal well |

Surrounding Land Uses/ Land Use Category

North: Agriculture; Agricultural

South: Agriculture; Agricultural/Single Family Residential

East: Agriculture; Salinas River

West: Residential Single Family, Railroad; Single Family Residences

General Plan Information

Land Use Element Category: Agriculture

Combining Designation: Flood Hazard, Extractive Resource Area

Planning Area Standards: None

AUTHORITY

Unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinance is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report are completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Board, in making their decision, should consider the following factors:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

MAJOR QUESTIONS

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Public Facilities land use category?
2. Is the request consistent with the policies of the Agriculture Element? Would this be an appropriate conversion of agricultural land? Will allowing public facilities in this area create land use conflicts with surrounding agricultural uses and/or facilitate additional agricultural conversion in the immediate vicinity?
3. Will allowing public utility facilities in this area create land use conflicts regarding future extractive resource uses and/or adversely affect the continuing operation or expansion of an extraction use?
4. Does the request represent a logical location for Public Facilities land use category?
5. Are there safety issues with allowing public utility facilities in a location that will require crossing of the railroad tracks?

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit D). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Public Facilities

The purpose statements for the Public Facilities (PF) land use category include: identifying lands and structures committed to public facilities and public agency uses that benefit the Public; providing areas for development of public facilities to meet public needs; identifying adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served; and identifying facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

The character of PF land is described as being: areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities; areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users; and areas without known natural or man-made hazards.

Staff Response

The site is located adjacent to the current Templeton Urban Reserve Line and an area currently served by the Templeton Community Services District. This site is also located in close proximity to residential areas and commercial amenities provided by the community of Templeton. The site is of marginal slope, which would allow for future development to take place with minimal disturbance. The proposal to adjust the Land Use Category from Agriculture to Public Facilities would allow community utility facilities on the 23 acre site. No plans have been submitted for the fire training facility or any other community utility facility. Table 2-2 of the Land Use Ordinance requires a Conditional Use Permit for Public Utility Facilities within the Public Facilities category.

The site has natural and human-made challenges associated with it. The site is located between the Union Pacific Railroad to the west and the Salinas River channel and floodplain to the east. Since the site is located across the railroad tracks from the community, it is physically separated from the town. Crossing the tracks will be necessary in order to access the site. Currently, there is an at-grade crossing of the tracks at this location.

The County Public Works Department commented on the safety issues presented by accessing this site because of the at-grade crossing (Exhibit E). County Public Works suggested a referral be sent to the railroad for comment. No comments have been received to date from the railroad. Because of the limited uses proposed by staff, and the existing well site on the property, there won't be an increase in traffic beyond periodic training sessions attended by fire department personnel, which will consist of a van or bus bringing firefighters to the site.

Due to concerns over the railroad crossing and potential incompatibilities with policies in the Agriculture Element, staff is recommending that uses allowed on the site be limited to Public Utility Facilities which include the existing use of the parcel as a well site, a fire training facility, a water treatment facility and wastewater treatment facility. All of these uses would require a Conditional Use Permit. It should also be noted that all of these proposed uses are currently allowed within the Agriculture land use category, however, the applicant wanted to pursue the General Plan Amendment to formally recognize the parcel as a community service provider site.

Extractive Resource Area

The Extractive Resource Area (EX₁) combining designation is applied to areas, including active mines, which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits. Any such areas which are subsequently formally designated by the State as containing mineral deposits of statewide significance should be included in the EX combining designation subject to an amendment of the Land Use Element.

The purpose of the EX₁ combining designation is: to identify lands which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits; to notify landowners and the general public of the presence or high likelihood of significant mineral deposits; and to emphasize the conservation and development of the mineral deposits identified by the Division of Mines and Geology, provided that a high level of environmental quality is also preserved and protected through the discretionary approval process.

Projects proposed in the EX₁ combining designation should achieve the following applicable objectives: uses which require a discretionary land use permit shall not adversely affect the continuing operation or expansion of an extraction use; extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses; and the Guidelines for Land Use Category Amendments in Framework for Planning - Inland Portion, Part I of the Land Use Element shall give priority to maintaining land use categories which allow resource extraction and which result in development that is compatible with resource extraction.

Furthermore, approval of any use other than mineral resource extraction in the EX₁ combining designation may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

Staff Response

Depending on the type, scale and intensity of the future facilities on this site, conflicts may occur between residents and future resource extraction (e.g. sand and gravel) from the Salinas River. Many sand and gravel operations currently exist throughout the Salinas River Planning Area— four of which are located within approximately one mile of the subject site. The Templeton/Ormonde, Miller, Nesbitt, and Smith sand pits are the four mines located within approximately one mile of the project site. These mines have continually renewed their mining contracts and completed annual inspection requirements. Three of the four mines are currently extracting resources (Miller, Nesbitt, and Smith). The Templeton/Ormonde mine is the closest mine to the subject property (approximately ¼ of a mile to the southeast).

Again, depending upon the type and scale of the facilities proposed, increasing the temporary populations within the EX₁ combining designation represents a potential conflict with active, potentially active, and future mining operations and the mining operators that provide much needed sand and gravel resources for the construction industry. In addition, increasing temporary populations within such close proximity to a potentially active mine could result in adverse health impacts due to the creation of dust from the mining operation and noise associated with resource extraction and stockpiling of material. Therefore, the finding that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction will need to be made. Based on the limited uses proposed by staff, and the limited amount and duration of fire training exercises and maintenance operations associated with the well site and potential water treatment facility, this finding can most likely be made.

Flood Hazard

The Flood Hazard (FH) combining designation is applied to flood-prone areas identified through review of available data from various federal, state, or local agencies. It also includes flood elevations of existing lakes and reservoirs.

The purpose of the FH combining designation is: to encourage land development that is designed to minimize adverse effects on drainage ways and watercourses; to avoid damage to property improvements through flood inundation, destruction of natural resources, loss of water retention facilities, open space and wildlife habitats, and impairment of public and private water supplies; to encourage a coordinated land and water management program which will support non-structural land uses in flood-prone areas; and to support location of permanent structures and other artificial obstructions to not adversely restrict water flow.

Projects proposed in the FH combining designation should achieve the following objectives: projects should not be constructed, moved, or remodeled so as to result, directly or indirectly, in adverse stream channel alteration, or diminish the capacity of a designated stream course. In addition, no use should be permitted that would increase the amount of potentially damaging materials in downstream flood flows or increase flood hazards to neighboring properties. Areas of highest flood hazard should remain undeveloped in accordance with the principles of the Federal Flood Insurance Program.

Staff Response

Due to its proximity to the Salinas River, the site is located in the Flood Hazard combining designation. No development is anticipated within the channel of the Salinas River; however development of utility facilities may be proposed within the 100-year flood plain.

General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community, locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses and encourage the phasing of urban development in a compact manner, first using vacant or underutilized parcels, infill parcels and lands next to existing development.

Staff Response

The property is adjacent to the current Urban Reserve Line (URL) boundary. The property is located between the railroad tracks and the Salinas River. The eastern URL of Templeton currently does not extend beyond the railroad tracks. Development of this property would not be considered “infill” since it is not within the current URL of Templeton. If the amendment is ultimately approved, the intent of the TCSD is to have this property included in the URL.

The Local Agency Formation Commission (LAFCO) completed a Sphere of Influence Update and Municipal Service Review for Templeton, San Miguel, and Heritage Ranch in October 2006. The review looked at four separate areas within the community of Templeton to determine which areas were most suitable for future incorporation into the TCSD’s sphere of influence. The subject property was not evaluated but adjoining land to the north and south of this site was evaluated as part of Study Area #1 in the analysis. After much review of various policies and discussions with the community, it was determined that Study Area #1 should NOT be incorporated into the TCSD’s sphere of influence for the following applicable reasons:

- The area is zoned Agriculture and outside of the URL. Inclusion would promote development not planned for by the General Plan;
- Including this area would encourage zoning changes because urban services could be made available to these parcels;
- The Salinas River is mined for sand and gravel, which are used to construct state and local roads in the area; and
- Templeton still has parcels and vacant land located within the District from which services can be provided.

Agriculture Element

The overall goal of the Land Use Element specifies that the County should encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities as well as the Agriculture Element policies regarding conversion of agricultural lands. In order to more tangibly address the impacts specifically related to this proposal, a referral was sent to the Department of Agriculture. Their referral response is attached.

The Agriculture Element provides the following policies:

AGP 2: Conserve Agricultural Resources – Proposals should maintain the agricultural land base, conserve the water and soil and support the needs of agriculture without impeding its long term viability.

Staff Response

This proposal is somewhat unique since it contains a community well site and is owned by a community service provider. The property is not currently in agricultural production and has no history of irrigated crop production. While there is a potential for the property to be farmed due to adequate water and soil capability, the likelihood of it being used for agricultural production is low given the uses proposed for the site are a well site, fire training facility and possible future water and/or wastewater treatment facility. All of these uses are allowed in the current Agriculture zoning category, however, the applicant would like to formalize the land use category to Public Facilities to reflect the use of the site as a public services provider.

AG3. Protect Agricultural Lands – Proposals should maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses.

Staff Response

As stated above, the proposal is to formalize the use of the property as a community service provider site. There is a single family residence on the parcel and the tenant could use the remainder of the property for agricultural uses. The primary purpose of the general plan amendment is to recognize the site as providing public services for the community of Templeton.

AGP11: Agricultural Water Supplies – Proposals should maintain water resources for production agriculture both in quantity and quality to prevent the loss of agriculture due to competition for water with urban and suburban development; general plan amendments that result in increased residential density that may adversely affect water supplies, quality, or groundwater recharge capability are not supportable.

Staff Response

The TCSD has installed a well on the site and have applied to LAFCO for an annexation. Because this is a municipal well site providing water to the community of Templeton, this water has primarily been allocated to existing and future urban development. The only new water use will be during intermittent fire training exercises, so it is somewhat unclear whether this is inconsistent with AGP11. The resource management summary report indicates this area is in a Level of Severity 1 for water, so no conservation measures are recommended or required.

AGP17: Agricultural Buffers – Proposals should be able to incorporate adequate linear separation to protect existing or potential production agriculture in areas of proposed conversion.

Staff Response

The currently proposed uses of a well site and fire training facility (used intermittently) have maintenance staff or fire personnel on the parcel for limited periods of time, not on a regular, on-going basis, so buffers for these uses may not be necessary. A potential future water and/or wastewater treatment facility would require further evaluation for buffer recommendations based on both the project and site-specific circumstances at the time of land use permit review. At this time the proposal appears consistent with AGP17.

AGP24: Conversion of Agricultural Land – Proposals should not convert agricultural land to non-agricultural uses and avoid rezoning that would locate new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

Staff Response

The proposal would result in the conversion of 17-acres of capable soils currently designated for agricultural uses. These soils can support a variety of crops due to the combination of soils, water resources, climate, and topography along with the existing parcel size. The proposal is somewhat inconsistent with AGP24 because production agriculture is feasible and the site is not constrained by physical features.

Again, this proposal is somewhat unique because it does not involve the expansion of public facilities because the community well site is existing. The fire training facility and potential water and /or wastewater treatment facility would be an extension of services already provided by the TCSD. These uses would not lead to conversion of neighboring agriculturally zoned properties because rezoning of any of the other properties within this corridor to any other land use besides open space would not be supportable due to land use and agriculture element policies discouraging such amendments. In addition, any other proposal to change the zoning would most likely involve an increase in traffic to these parcels which would cause concern with the at-grade railroad crossing.

There are findings for conversion of Agriculture land to non-agriculture designation as part of AGP 24. They are to be made based on a site specific evaluation. Although a detailed site evaluation has not been completed as of yet, the site would not meet most of the findings. They are:

a. the land does not meet the criteria for inclusion in the Agriculture designation in this plan or the Land Use Element. *Staff Response: The land does have potential to be used for specialty crops and is considered prime land if irrigated and therefore would qualify for the Agriculture designation in the Ag Element.*

b. agriculture production is not feasible due to some physical constraint or surrounding incompatible land uses. *Staff Response: The site is similar in topography to surrounding land currently being used for agriculture production. Therefore agricultural production would be feasible on the site.*

c. adjacent lands are already substantially developed with uses that are incompatible with agricultural uses. *Staff Response: The property surrounding the site is generally not built out with residential uses or other uses that would conflict with agriculture.*

d. conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture. *Staff Response: Use of the site as a well site, fire training facility and water and/or wastewater treatment facility would not conflict with the surrounding lands being developed with agricultural uses.*

e. there is an over-riding public need for the conversion of the land that outweighs the need to protect the land for long-term agricultural use, such as the orderly expansion of an incorporated city or community. *Staff Response: The parcel is currently used as a community well site and will provide fire training for TCSD personnel. Future water and/or wastewater treatment facilities would provide needed services for the community of Templeton. However, these facilities are all currently allowed within the Agriculture land use category.*

Staff Response

The proposal would result in the conversion of capable soils currently designated for agricultural uses. Some of the findings can be made, others cannot.

AUTHORIZATION OPTIONS

Your Board should consider the following options as part of your discussions when determining whether to authorize this project for processing:

1. Authorize the application for processing as requested to change the Land Use Category from Agriculture to Public Facilities on an approximately 23 acre parcel for the purposes of a community well, fire training facility, and water and/or wastewater treatment facilities for the community of Templeton. If authorized for processing with the limited uses discussed above, the Department would recommend that a specific Planning Area Standard be added for this site to

require a Conditional Use Permit for any future development, recognizing this may lead to conditions requiring a separated grade crossing, additional railroad crossing locations for secondary access, and limitations on the location of the public facilities to protect mining and agricultural uses on the project site and on adjacent lands.

2. Do not authorize the processing of this application as all the proposed uses are allowable under the site's current Agriculture land use category.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to County Public Works Department, Environmental Health Department, Agricultural Commissioner, Templeton Fire, Templeton Community Services District, Templeton Area Advisory Group (TAAG), Regional Water Quality Control Board, California Public Utilities Commission, and Union Pacific Railroad. Agency referral responses are attached.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the General Plan Amendment application will allow continued processing and a final decision to occur. Not authorizing the application will stop the further processing of the General Plan Amendment. Any unused portion of fees collected will be refunded.

EXHIBITS

Exhibit A – Vicinity Map

Exhibit B – Land Use Category Map

Exhibit C – Guidelines for Land Use Category Amendments

Exhibit D – Purpose and Character Statements for Public Facilities

Exhibit E – Public Works Initial Comments